

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2014-31

PIERRE L. ALCUTT
115 Pico Place
Bay Point, CA 94565
Field Representative License No. FR 45045

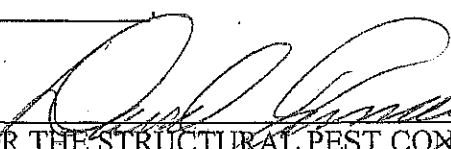
Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 22, 2014.

It is so ORDERED July 23, 2014



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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13 Bay Point, CA 94565
14 Field Representative License No. FR 45045

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Susan Saylor ("Complainant") is the Executive Officer of the Structural Pest Control
20 Board. She brought this action solely in her official capacity and is represented in this matter by
21 Kamala D. Harris, Attorney General of the State of California, by Kim M. Settles, Deputy
22 Attorney General.

23 2. Respondent Pierre L. Alcutt ("Respondent") is representing himself in this proceeding
24 and has chosen not to exercise his right to be represented by counsel.

25 3. On or about December 22, 2009, the Structural Pest Control Board issued Field
26 Representative License No. FR 45045 to Pierre L. Alcutt (Respondent). The Field Representative
27 License was in full force and effect at all times relevant to the charges brought in Accusation No.
28 2014-31 and will expire on June 30, 2015, unless renewed.

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1 Respondent understands and agrees that counsel for Complainant and the staff of the Structural
2 Pest Control Board may communicate directly with the Board regarding this stipulation and
3 settlement, without notice to or participation by Respondent. By signing the stipulation,
4 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
5 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
6 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
7 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
8 the parties, and the Board shall not be disqualified from further action by having considered this
9 matter.

10 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
11 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
12 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
14 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
15 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
16 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
17 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
18 writing executed by an authorized representative of each of the parties.

19 14. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceeding, issue and enter the following
21 Disciplinary Order:

22 **DISCIPLINARY ORDER**

23 IT IS HEREBY ORDERED that Field Representative License No. FR 45045 issued to
24 Respondent Pierre L. Alcutt (Respondent) is revoked. However, the revocation is stayed and
25 Respondent's license is placed on probation for three (3) years on the following terms and
26 conditions.

27 1. **Obey All Laws.** Respondent shall obey all Federal, State, and Local laws along with
28 all laws and rules relating to the practice of structural pest control.

1 2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during
2 the period of probation.

3 3. **Tolling of Probation.** Should Respondent leave California to reside outside this
4 state, Respondent must notify the Board in writing of the dates of departure and return. Periods
5 of residency or practice outside the state shall not apply to reduction of the probationary period.

6 4. **Notice to Employers.** Respondent shall notify all present and prospective employers
7 of the decision in case no. 2014-31 and the terms, conditions and restriction imposed on
8 Respondent by said decision.

9 Within 30 days of the effective date of this decision, and within 15 days of Respondent
10 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
11 writing acknowledging the employer has read the decision in case no. 2013-13.

12 5. **Notice to Employees.** Respondent shall, upon or before the effective date of this
13 decision, post or circulate a notice to all employees involved in structural pest control operations
14 which accurately recite the terms and conditions of probation. Respondent shall be responsible
15 for said notice being immediately available to said employees. "Employees" as used in this
16 provision includes all full-time, part-time, temporary and relief employees and independent
17 contractors employed or hired at any time during probation.

18 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
19 license/certificate will be fully restored.

20 7. **Violation of Probation.** Should Respondent violate probation in any respect, the
21 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
22 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
23 Respondent during probation, the Board shall have continuing jurisdiction until the matter is
24 final, and the period of probation shall be extended until the matter is final.

25 8. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
26 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
27 qualifying manager or branch office manager of any registered company during the period that
28 discipline is imposed on Field Representative License No. FR 45045.

9. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,595.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. The costs shall be paid in full no later than six (6) months prior to the end of probation.

10. **License Renewal.** All the continuing education certificates submitted by Respondent as part of mitigating evidence were for courses he completed on December 6, 2012. For this reason, these continuing education certificates cannot be used towards renewal of his license when he renews in June of 2015.

If respondent applies for an additional license while on probation, the license will be issued and immediately placed on probation under the same terms and conditions as Field Representative License No. FR 45045.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Field Representative License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 04/11/14

Pierre L. Alcutt
PIERRE L. ALCUTT
Respondent

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Dated:

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

KIM M. SETTLES
Deputy Attorney General
Attorneys for Complainant

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